UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM J. MARTIN, individually and on behalf of all others similarly situated, Plaintiff, v. MEREDITH CORPORATION, MEREDITH HOLDINGS CORPORATION, IAC/INTERACTIVECORP, DOTDASH MEDIA, INC., and DOTDASH MEREDITH, INC., Defendants.	Civil Action No. 1:22-cv-04776-DLC

DECLARATION OF JUNSU CHOI

I, JUNSU CHOI, declare as follows:

1. I am a Senior Engagement Manager at Keystone Strategy, a consulting firm that specializes in the application of technological methodologies and principles to questions that arise in a variety of contexts, including, as here, in the context of litigation. My work has included analyses of large-scale software systems and networks, and understanding such for issues including privacy and fairness. I am versed in the following programming languages: Python, Java, C#, JavaScript, HTML, and CSS. I hold a Bachelor of Arts in Computer Science from Brown University. I have personal knowledge of the facts contained herein and if called as a witness could and would testify competently thereto.

2. I have received and studied the complaint in this matter. From this review, I understand this lawsuit concerns the data allegedly sent to Facebook from the People.com website ("People.com") when a user visits that website. Specifically, the Plaintiff alleges that People.com has installed the Facebook Pixel, a piece of JavaScript code embedded on People.com webpages, which causes the user's browser to send certain types of data to Facebook when a user visits a People.com webpage. Further, I understand that the users in this lawsuit are defined as those who "access[] People.com," ¶ 64, and become a "Registered User" by either "join[ing] the website" or "linking their Google or Facebook account to People.com," ¶ 66, who are also in the United States, have Facebook accounts, and viewed a video on People.com. ¶ 139. This declaration tests those allegations.

3. To assess the types of data shared via the Facebook Pixel when accessing People.com, I conducted a packet capture analysis using a Man-In-The-Middle (MITM) process to intercept and capture network traffic while accessing multiple People.com webpages. Specifically, I used mitmproxy, an open-source interactive tool that establishes a proxy between

the client and the server to intercept network request and response data sent between the Google Chrome browser on the testing device laptop and Facebook when accessing webpages on People.com, while logged into Facebook. The data for all network traffic sent and received from the Facebook domain (*i.e.*, "facebook.com") were stored in text files containing both the request and response headers and contents. While using mitmproxy, I accessed the articles referenced in the complaint (described further below) and interacted with all videos in the articles, while capturing and storing all network traffic to and from Facebook. I then reviewed the packet captures sent specifically through the Facebook Pixel ("https://www.facebook.com/tr/") in order to understand what data was shared.[1]

4. The Facebook Pixel examined here causes certain data to be transmitted from a user's browser via two methods only (referred to as "requests"): the GET ("GET") requests discussed in the complaint, ¶ 120, and also POST ("POST") requests, which the complaint does not mention. For the purpose of data sharing, a key difference between a GET request and a POST request is that a GET request can only send a limited amount of data to another website's server in the header and via parameters in the Uniform Resource Locator ("URL").[2] A POST request can, among other things, carry more data by enclosing its contents in the message body. Put simply, a GET request shares less data while a POST request shares more data. Both types of requests are used for transmitting data between servers. The Facebook Pixel on People.com uses

[1] On or about August 3, 2022, the feature that allowed individuals to sign up as Registered Users of People.com, whether by creating an account directly through the website or signing up through Facebook or Google, was removed from the website. However, the testing conducted prior to that date, compared against testing conducted after that date, confirmed that the feature's removal had no effect on the methodology or testing results discussed herein.

[2] A URL is a unique identifier that is the global address used to locate a specific webpage on the internet.

both methods to request and send data to Facebook from the user's browser.

5. Under the Facebook Pixel's default settings, GET and POST requests are initiated *only* when a People.com article page loads[3]—not at any other time—regardless of whether that page contains one video, multiple videos, no video at all, or whether any video content on the page "auto-plays" when the page is loaded. People.com has retained the Facebook Pixel's default settings for when GET and POST requests are initiated. Accordingly, interacting with any video embedded in an article (*e.g.*, starting, pausing, fast-forwarding, or skipping to the next video) does not generate any additional Facebook Pixel-initiated GET or POST requests, nor are such requests generated if a video "auto-plays" when the page is loaded.

6. The complaint references three specific webpages on People.com. The URL for each webpage reflects the title of the article on the page. The three article pages concern: (1) celebrity couple Ryan Reynolds and Blake Lively[4] (the "Reynolds Article"), ¶ 122; (2) talk show host Jimmy Fallon[5] (the "Fallon Article"), ¶ 55; and (3) reality television star Kim Kardashian[6]

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[3] A webpage is loaded when a user clicks on a hyperlink, submits a form, or enters a URL in a browser. These actions send an initial request to a web application's server for processing. The server then transmits an HTML response back to the user's browser, which receives the response and processes and renders the webpage so the user can view and interact with the page. In the case of People.com, loading a webpage means accessing a URL to an article via a hyperlink and waiting for the webpage to render in the user's browser via the process described above.

[4] Katie Campione, *Ryan Reynolds Hilariously Trolls Wife Blake Lively on Her Birthday*, People.com (August 26, 2021), https://people.com/movies/ryan-reynolds-hilariously-trolls-wife-blake-lively-on-her-birthday/.

[5] Glenn Garner, *Kim Kardashian 'Couldn't Be More Thrilled' After Passing Baby Bar Exam: Source*, People.com (December 13, 2021), https://people.com/tv/kim-kardashian-couldnt-be-more-thrilled-after-passing-baby-bar-exam-source/.

[6] Natasha Dado, *Jimmy Fallon Teases Blake Shelton About Not Making the Guest List for Wedding to Gwen Stefani*, People.com (December 3, 2021), https://people.com/country/jimmy-fallon-blake-shelton-guest-list-wedding-gwen-stefani/.

(the "Kardashian Article"), ¶ 56. The complaint alleges that when a People.com user watches these videos, a GET request sends to Facebook the title of the video. ¶ 120. As described below, this is not correct. A GET request does not share the title of the video; it only shares the URL of the article.

7. ***Reynolds Article.*** The complaint includes a screenshot of the information purportedly sent from People.com to Facebook when a People.com user watches the Reynolds Article. ¶ 122–23. Specifically, it alleges the "name of the video was transmitted to Facebook" as part of the GET request, ¶ 123, and that the title of the video is "ryan-reynolds-hilariously-trolls-wife-blake-lively-on-her-birthday." ¶ 122. Neither allegation is correct.

8. Attached as Exhibit A is a screenshot of the Reynolds Article. It shows that the article is titled *Ryan Reynolds Hilariously Trolls Wife Blake Lively on Her Birthday*, and the video has a different title: *Ryan Reynolds on How Blake Lively Has Made Him "The Father of my Dreams*." *Id.* The URL for the article page is: https://people.com/movies/ryan-reynolds-hilariously-trolls-wife-blake-lively-on-her-birthday/. *Id.* The URL, in other words, contains the article's title, not the video's title.

9. Attached as Exhibit B is the GET request that was initiated when the Reynolds Article loads. The GET request caused only the article page's URL to be sent to Facebook, which contained only the article's title, not the title of the video. The GET request thus did not send the video's title or its URL to Facebook. Nor does the GET request include any indication that the Reynolds Article contains a video.

10. Attached as Exhibit C is the POST request that was initiated when the Reynolds Article loads. The POST request contains information about the objects on the Reynolds Article page, including that it contains multiple images and a video. While the POST request includes the

name of an embedded video, it does not convey any information about whether a user interacted with the video in any way. Specifically, the POST request does not indicate that the user watched, requested to watch, or otherwise interacted with the embedded video. I tested this in many ways and many times. For example, I twice skipped to a later section of the video, then to an earlier section of the video, paused the video, un-paused the video, and clicked an arrow so I could watch the next video that is queued immediately after the first one. None of these actions initiated either a new GET request or a new POST request. As discussed above, the only time a Facebook Pixel-initiated GET request or POST request occurs is when the article page loads. No new requests are generated once the user is on the article page, regardless of what they do on the page. The POST request merely indicates that the Reynolds Article page contains embedded video content.

11. Therefore, Exhibits B and C demonstrate that when a user visits the Reynolds Article and the Facebook Pixel initiates the GET and POST requests, those requests, even when read together, do not convey that the user watched any particular video.

12. ***Kardashian Article.*** Attached as Exhibit D is a screenshot of the Kardashian Article. As with the Reynolds Article, the Kardashian Article and its embedded video have different titles. *Id.* The article is titled: *Kim Kardashian 'Couldn't Be More Thrilled' After Passing Baby Bar Exam: Source*. *Id.* The video is titled: *Kim Kardashian Reveals She Passed the Baby Bar Exam on Fourth Try: 'This Wasn't Easy.'* *Id.* The article page's URL is: https://people.com/tv/kim-kardashian-couldnt-be-more-thrilled-after-passing-baby-bar-exam-source/. The URL contains the title of the article, not the video. The video does not auto-play when the article page loads; rather, a user must affirmatively hit "play" to watch the video.

13. Attached as Exhibit E is the GET request that was initiated when the Kardashian Article loads. It indicates the GET request caused only the article page's URL to be sent to

Facebook, which includes the article's title; not the title of the video. The GET request also did not include any indication that the Kardashian Article contains a video.

14. Attached as Exhibit F is the POST request that was initiated when the Kardashian Article loads. The POST request contains information about the objects on the Kardashian Article page, including that it contains multiple images and a video. While the POST request includes the name of an embedded video, the POST request does not convey any information about whether a user interacted with the video in any way. Specifically, the POST request does not indicate that the user watched, requested to watch, or interacted with the embedded video. As with the Reynolds Article, I tested this by twice skipping to a later section of the video, then to an earlier section of the video, pausing the video, un-pausing the video, and skipping to the next video that plays automatically after the first one. None of these actions initiated either a new GET request or a new POST request. As discussed above, no new Facebook Pixel-initiated requests are generated once the user is on the article page, regardless of what they do on the page. The POST request merely indicates that the Kardashian Article contains embedded video content.

15. Therefore, just as with the Reynolds Article, Exhibits E and F demonstrate that when a user visits the Kardashian Article and the Facebook Pixel initiates the GET and POST requests, those requests, even when read together, do not convey that the user watched any particular video.

16. ***Fallon Article.*** Attached as Exhibit G is a screenshot of the Fallon Article, which contains an embedded YouTube video. As with the two article pages already discussed, the Fallon Article and its video have different titles. The article is titled *Jimmy Fallon Teases Blake Shelton About Not Making the Guest List for Wedding to Gwen Stefani*; whereas the *video* is titled *Jimmy Confronts Blake Shelton About Not Getting a Wedding Invite | The Tonight Show*. The article

page's URL is: https://people.com/country/jimmy-fallon-blake-shelton-guest-list-wedding-gwen-stefani/. The URL thus does not contain the title of either the article or the video, but instead only some of their keywords. This video does not auto-play when the article page loads.

17. Attached as Exhibit H is the GET request that was initiated when the Fallon Article loads. The GET request caused only the article page's URL to be sent to Facebook. That URL includes several keywords—not the title of the video or article. The GET request thus did not send to Facebook the video's title, and nor did it include any indication that the Fallon Article contains a video.

18. Attached as Exhibit I is the POST request that was initiated when the Fallon Article loads. This request did not send the video's name to Facebook. Rather, it only sent the article page's title and its URL. The POST request did not include any indication that the Fallon Article contains a video. This POST request thus differed from the POST requests associated with the Reynolds and Kardashian Articles in that it did not even contain the video name because unlike the videos on those article pages, the video on the Fallon Article originates from YouTube rather than People.com. As with the prior two videos, I twice skipped to a later section of the video, then to an earlier section of the video, paused the video, and un-paused the video embedded in the Fallon Article.[7] And just as with the prior videos, none of these actions initiated any new Facebook Pixel-initiated GET or POST request.

19. Therefore, Exhibits H and I demonstrate that when a user visits the Fallon Article and the Facebook Pixel initiates the GET and POST requests, neither request conveys that the user watched any particular video. In this case, the requests did not even convey that the article page

[7] There was no option to skip to the next video in the embedded YouTube object, so I did not test this for the Fallon article.

contained video content.

20. In sum, GET and POST requests are triggered when an article page loads, and at no other time. Those requests do not send to Facebook any information indicating that a user watched or otherwise interacted with the video. The complaint's allegation that People.com sends to Facebook the titles of the videos that People.com users watch is not factually correct.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 16th day of September 2022.

Junsu Choi

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that, on this 16th day of September 2022, this document, filed through the CM/ECF system, will be served electronically to the registered participants on the Notice of Electronic Filing and paper copies will be sent to any non-registered participants.

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